

## II. REMARKS

Claims 10-14 and 38-40 are pending. The Applicants' attorney has withdrawn claims 1-9, 15-37, and 41-44 in response to the Examiner's restriction requirement, and has amended claim 10. In light of the following, all of the claims are now in condition for allowance, and, therefore, the Applicants' attorney requests the Examiner to withdraw all of the outstanding rejections. **But if after considering this Response the Examiner does not agree that all of the claims are allowable, the Applicants' attorney requests the Examiner to phone him at the below number to schedule and conduct a telephonic interview before issuing a subsequent Office Action.**

### **Rejection of Claims 10-11 and 38-40 Under 35 U.S.C. § 102(b) As Being Anticipated By U.S. Patent 6.064,471 to Nakagawa**

As discussed below, the Applicants' attorney disagrees with this rejection, and thus requests the Examiner to withdraw it.

#### **Claim 10**

Claim 10 as amended recites a beam-reflector assembly having a mirror, a shaft, and a first magnet, and a beam-sweep mechanism having a permanent second magnet.

For example, referring, e.g., to FIGS. 22, 24, and 25A of the patent application, a beam-reflector assembly 3040 includes a mirror 3046, a shaft 3050, and a first magnet 3048, and a beam-sweep mechanism 3042 includes a permanent second magnet 3052. The beam-sweep mechanism 3042 causes the mirror 3046 to rotate about the shaft 3050 by repelling the first magnet 3048 with the permanent second magnet 3052, and retains the mirror in a home position by attracting the first magnet with the permanent second magnet.

In contrast, Nakagawa does not disclose a beam-sweep mechanism having a permanent magnet. Referring, e.g., to FIG. 3(b), although Nakagawa's beam-reflector assembly includes a mirror 4, a shaft 5, and a magnet 6, Nakagawa's beam-sweep mechanism includes an electromagnet (the combination of the core 7 and the coil 8), not a permanent magnet as recited in claim 10.

### **Claim 11**

This claim is patentable by virtue of its dependency on independent claim 10.

### **Claim 38**

Claim 38 as previously pending recites a beam-reflector assembly having a mirror, a shaft, and a first magnet, and a beam-sweep mechanism having a second magnet configured for mechanical movement between a first position and a second position.

For example, referring, *e.g.*, to FIGS. 22, 24, and 25A of the patent application, a beam-reflector assembly 3040 includes a mirror 3046, a shaft 3050, and a first magnet 3048, and a beam-sweep mechanism 3042 includes a second magnet 3052 that is configured for mechanical movement between a first position and a second position. Referring to FIG. 25A, in an upper (first) position, the second magnet 3052 attracts the first magnet 3048 because the N and S poles of the second magnet are respectively adjacent to the S and N poles of the first magnet. And in a lower (second) position, the second magnet 3052 repels the first magnet 3048 because the N pole of the second magnet is adjacent to the N pole of the first magnet.

In contrast, Nakagawa does not disclose a beam-sweep mechanism having a magnet configured for mechanical movement between a first position and a second position. Referring, *e.g.*, to FIG. 3(b), Nakagawa's beam-sweep mechanism includes a stationary electromagnet (the combination of the core 7 and the coil 8) that does not and cannot mechanically move between first and second positions as recited in claim 38.

### **Claims 39-40**

These claims are patentable for reasons similar to those recited above in support of the patentability of claim 38.

**Rejection Of Claims 12-14 Under 35 U.S.C. § 103(a) As Being Unpatentable  
Over Nakagawa In View Of U.S. Patent 5,206,492 To Shepard**

Claims 12-14 are patentable by virtue of their dependencies on claim 10. Therefore, the Applicants' attorney requests the Examiner to withdraw this rejection.

**Conclusion**

In light of the foregoing, claims 11-14 and 38-40 as previously pending and claim 10 as amended are in condition for full allowance, which is respectfully requested.

In the event additional fees are due as a result of this amendment, payment for those fees has been enclosed in the form of a check. Should further payment be required to cover such fees you are hereby authorized to charge such payment to Deposit Account No. 07-1897.

If the Examiner believes that a phone interview would be helpful, he is respectfully requested to contact the Applicant's attorney, Bryan Santarelli, at (425) 455-5575.

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Respectfully Submitted,

GRAYBEAL JACKSON HALEY LLP



Bryan A. Santarelli  
Attorney for Applicant  
Registration No. 37,560  
155 – 108<sup>th</sup> Ave. NE, Suite 350  
Bellevue, WA 98004-5973  
(425) 455-5575